

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY  
COUNCIL HELD WEDNESDAY, NOVEMBER 7, 2001**

**Mayor and Council Present:** Mayor Merle Cole. Council Members: Byron Anderson, Craig Anderson, Kevin Hall, Justin Linares and Karen Watson.

**Appointed officers and employees present:** Wendy Palmer, City Recorder, Attorney Ronald Elton.

**Citizens and Guests:** Mary Ruth Hammond (press), Bruce Parker, Judd Lawrence, Cory Brown, Robert Vigil, Mildred and Kelly Russell, Ozwald and Bonnie Gardner, Neil Harding, Brad Anderson, Cody Youngberg, Sandra Bermuda, Mr. & Mrs. Erickson, James Christensen, Brian Wittwere, Lynette Castagno, Mr. & Mrs. Todd Castagno, Gerry Hill, Cory Brown.

**6:30 WORK MEETING- WATER IMPACT FEES:** Mayor announced that he wanted to go over the new presentation from Judd Lawrence Bingham Engineering. Attorney Elton asked if the November document is backed up by the October analysis. Judd stated that it was. Craig asked how this impact fee analysis supports a water conservation plan. Judd stated that the water conservation would be an education effort to get people down to this level of water usage. Right now, if you did a survey of the town you would find that most people are using much more water than this analysis asks for. Craig stated that he has some research and he did not find that any of the homes that he searched used the full amount of their allowed acre-foot. The impact fee part of it should not have the irrigated acre consideration in it. The irrigated acre portion should be considered in our zoning book. Craig stated that he does not believe that the city should even allow anyone that kind of water use from our city water supply. Craig stated that he believes that the city should not even provide that possibility on this chart. We should charge a minimal fee for a building lot worth of water and cut the chart off at that. Craig stated that what would happen if he had a one-acre lot and he claimed that he would only water 7,000 square feet. Mayor stated that the impact fee would only be that of a 7,000 square feet. Judd stated that the impact fee would not work that way. If you had an one-acre lot you would have to pay for the one acre lot average irrigated acre. In the example of the five-acre lot that would require \$39,000 impact fee. If a resident purchases a five-acre lot, they will most likely purchase it with water. The west bench would be another problem because there is no water available there. Craig stated that we should limit the required water amount to one-acre foot period and let the resident decide whom they get the remainder of their needed water from. Whether it is from a well or the Irrigation Company. Judd stated the you only have one shot at collecting these fees for water and to go back after the fact like what is happening at Watt Homes is nothing short of a disaster. You have to consider that you have got to have enough water available for each desire of every subsequent landowner. You cannot plan today on current landowners. Byron asked Judd what is your reasoning for the analysis on 100% of any land over one acre being irrigated. Judd stated that the city would have to buy into the fact of this analysis. If a resident has more than one acre it is probably safe to assume that the corrals and barns etc are going to be on the first acre. Anything over that would most likely be irrigated. Byron stated that we could also decide that that number is zero. Judd stated that is true. The water issue must go hand in hand with the zoning in order not to develop 5-acre lots where water is not available. Kevin stated we may want to look at separate scenarios and consider whether the property has been historically green or not. Byron asked if the city would then still accept the declaration or would we define the requirement in law. Mayor stated that we would need to partner with the Irrigation Company and let their water cop enforce over watering. Kevin stated that water conservation is what you do with the water you have on your own property. Kevin gave the example of putting in a sprinkling system rather than flood irrigating. Craig stated that he feels that is just foolish for the city to provide that much secondary water out of our culinary system. Craig stated that he does not feel that the city should dictate how much of a lot should be watered. Byron stated that a citizen is coming to the city to make their declaration of how much they are going to water. This makes it so the city is not telling them how much to water, they are telling us. Byron asked Judd how much of the city is not served by the Irrigation Company. Judd stated that for the most part it is the western bench areas. Work meeting closed at 7:02 p.m.

## **PUBLIC HEARINGS;**

- a. Considerations of zone change from RR-5 to RR-1.** Mayor opened the public hearing at 7:02 p.m. Mayor asked for comment. No comment being offered Mayor closed the public hearing at 7:03 p.m.
- b. Consideration of amending Chapter 15 to allow the area of barns, stables, etc to be included in the total square footage of pasture:** Mayor asked for any comment? No comment being offered the Mayor closed the public hearing at 7:04 p.m.
- c. Consideration of adding rural subdivision to the Land Use Management codes.** Bruce Parker was present to explain the ideas of this new chapter. The rural subdivision would be a mechanism for the city to maintain open space in the rural areas of the town. The open space can be accomplished by requiring the developer provide it as public open space or to provide private open space by creating lots twice as large as the underlying zone. This subdivision proposal would also not allow any lot to be created that would be less than one half the size that the zone designation would allow. Craig stated that this new subdivision plan would replace the current Planned Unit Development chapter in the zoning book. The new PUD chapter will be targeting the in fill of the interior portion of the city. Mayor asked for any further comment? No further comment being offered the Mayor closed the public hearing in this matter at 7:12 p.m.
- d. Consideration of ordinance requiring corner lots to be a minimum of 10000 square feet or more.** Craig stated that this recommendation came from the Planning Commission due to some issues of residents of lots that are smaller than 10,000 square feet are having trying to build garages onto their homes. The smaller lots tend to inhibit this ability. Mayor asked for any further comment? No further comment being offered the Mayor closed this public hearing. 7:06 p.m. (Item “d” was discussed prior to item “c”).

## **PRESENTATION AND CONSIDERATION OF GRANTSVILLE PEER COURT:**

Mayor introduced Neil Harding the Advisor for the Mock Court group and proposed Peer Court group. Mr. Harding expressed his thanks to the city for allowing them to use this courtroom for their mock trial competitions. Mr. Harding stated that his team has only been beaten one time here and got revenge the next competition to come away with a big win. Mr. Harding stated that he has organized a group of high school kids that will begin Grantsville’s first peer court. The peer court will handle juvenile court cases for tobacco violations, truancy, alcohol, etc. If the Peer Court is unable to handle the violators then they will go to juvenile court. Neil introduced Brad Anderson, who is the student body president of the high school. Brad stated that he would like to go into law and explained a little about his role in the peer court setting. Brad explained that Tooele County Attorney’s office will be training them and will receive certificates when complete. Brad stated that the High School would be providing a room at the High School. Sandra Bermuda stated that in order for the peer court to be certified it needs to have letters of recommendation from the city and police department. The Peer Court will need to have the ability to send offenders to the city for community service. The Peer Court will also need a letter of sponsorship from the city. The Peer Court will need seed money to remodel the room and computers. Cody Youngberg, who aspires to be in the secret service. Cody explained his portion of the presentation. Cody stated that they will handle anything from the Juvenile Court up to a class b misdemeanor. Mr. Harding stated that this court will need about 4-5 thousand dollars to get off the ground. Court will be held Tuesday or Wednesday 6-9 p.m. Mayor and Council asked for a list of items that they need for the Council to review.

**SWEARING IN OF A NEW PLANNING COMMISSION MEMBER:** Recorder Palmer administered the oath of office to Todd Castagno as the new Planning Commission member to replace Dean Johnson who resigned.

**CONSIDERATION OF HERM HUGHES REQUEST TO REDUCE THE PURCHASE PRICE OF WATER WHILE BUILDING WILLOW ELEMENTARY SCHOOL.** Mayor explained that the city has placed a meter on a fire hydrant in front of the Willow Elementary School. Attorney Elton stated that we should review the resolution for stand pipe water. Kevin stated that he talked with Joel today and the meter we use for the fire hydrant is quite expensive and management of it creates an extra cost.

Kevin stated that it warrants looking into the issue. I think we need to have some merit to change the rate half way through. This item was tabled to search the city records for the resolution setting standpipe rates. To allow the use of the hydrant by the school the city allows only for a convenience to the contractor. Byron asked what is the justification for charging the higher rate. Judd Lawrence expressed his experience that the meter that you use on a fire hydrant is very expensive, and if you actually meter half of the water that they actually use you are doing good. A lot of times the contractors don't get the hydrant valve turned off or they turn it off too fast and break the hydrant. Kevin made the motion to table this issue until the next meeting. Craig seconded the motion. All voted in favor, motion carried.

**APPROVAL OF MINUTES:** Kevin made the motion to approve the minute as grammatically corrected. Craig seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF 90-DAY EXTENSION FOR STONE RIDGE**

**SUBDIVISION:** This subdivision has not posted their subdivision improvement bond within the required 90 days. The owners have been notified and have failed to respond. No other action was taken.

**CONSIDERATION OF SALARY STEP INCREASE:** Kevin made the motion to approve the increase for Gloria Kerby. This increase is well warranted her present rate is \$8.79 new rate is \$9.09. Mayor stated that he sits in back of her daily and she does a good job. The Mayor's statement was agreed upon by the complete Council present. Craig stated that she gets to catch most of the flack first. All voted in favor, motion carried.

Justin arrived at 7:50 p.m.

**CONSIDERATION OF STATUS OF NORTH HALE STREET:** Mayor informed those present that the deeds are hard to follow and the Title Company has not come up with a clear path. The Title Company is hoping to finalize it within a couple of weeks. Kevin and Craig stated that they would not be opposed to removing the fence and debris as long as we bill her for the expense. Mayor asked if we find out tomorrow that we own the road can we proceed in removal. Attorney Elton stated yes. Cory Brown stated that Don Rosenberg's resurvey does not relate to any of the old property corners. This item to be on the next agenda for an update.

Karen Watson arrived at 8:15 p.m.

**CONSIDERATION OF SETTING A SPECIAL MEETING TO CANVASS THE GENERAL ELECTION RESULTS:** Craig made the motion to set Friday, November 9, 2001 at 6:30 p.m. to canvass the general election results. Karen seconded the motion. All voted in favor, motion carried.

**CHRISTMAS EVENTS:** Recorder Palmer was seeking approval for December 12, 2001 at 6:30 p.m. for the City Christmas party. No objections we expressed. Recorder Palmer informed those present that Santa Claus is scheduled to come to town on Saturday November 24, 2001. Recorder Palmer asked for assistance to handle the events at the Recreation Building. Recorder Palmer stated that she would be unable to be at the recreation center for that duration but for the most part everything is in place. There just needs to be somebody at the recreation center to make sure the cookies and hot chocolate and the other events are handled. Karen stated that she would help. Recorder asked if the gift certificates would be all right to give out to all of the employees for our gift. Karen stated that she would like to get with the Mayor and pursue another item.

**CONSIDERATION OF FENCING PROPOSALS:** Kevin made the motion to approve the fencing proposal for American Fence Company to install a security fence around the South Willow Water Tank for \$5500.00. Justin seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF BID SPECIFICATIONS:** Kevin made the motion to approve the bid specifications as presented for construction of a building at cemetery and one at the Cherry Street Park. Bids to be received until November 16, 2001. Justin seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF WATER IMPACT FEES:** Craig made the motion to set the impact fee cap on .33 of an acre of property and to alleviate the outdoor impact fee you must provide a secondary source of a residents choice. Byron seconded the motion. In favor: Craig and Byron. Opposed: Kevin, Karen, and Justin. Motion failed.

Justin made the motion to approve the proposed impact fee rate structure capped at the one-acre line. We would adjust the numbers and look at the values. Karen seconded the motion. Justin suggested that the Council look at two options. We look at subdivision by subdivision case and there needs to be a way to allow residents to purchase additional water. Attorney Elton stated that the problem with that is that you cannot set an impact fee on a case by case basis. Justin stated that we could use the criteria of previous irrigated and non-irrigated area. Kevin stated that we may be able to use zones that effect whether there is secondary water available. Craig stated that the trouble is that the development basis the secondary water becomes an exaction not an impact fee. Attorney Elton stated the problem is if you cap it, you have to apply that cap uniformly. Kevin stated that if the fear is that we go from \$ 6,300 to \$39,000.00. In the areas that are serviced by secondary water and when a parcel of ground is negotiated for purchase the water will be apart of the purchase price. As a city we do have an obligation to squeeze the developers to make sure the water is available. That is why it does not scare me to adopt the complete proposal because the secondary water right will be provided with the purchase of the property. Byron stated that the impact fees will only effects those that are not serviced by secondary water. Byron stated that we could adjust the 100% irrigated acre and that can lower the whole chart. Kevin stated that when we began we met with the Irrigation Company to come up with an agreeable standard. Kevin stated that we need to continue to stay on the same page with them. I think we need to meet with them again to present this proposal to them. Byron would like to amend the motion to adopt the entire chart and reduce the percent of irrigated acre for acreage above one acre down from 100% to 60% irrigated. Judd suggested to word this motion that lots up to one half acre are figured at 64% irrigated and lots more than one half acre would be figured at 60% irrigated. Justin seconded the motion. In favor: Byron, Justin, Karen, and Kevin. Opposed: Craig. Vote on the amended motion originated by Justin: In favor: Byron, Justin, Karen, Kevin. Opposed: Craig. Craig stated that we have some of the highest tax rates in the state and now we have the highest impact fees second to only Park City I think that is a pretty good designation. Justin stated that he investigated that statement when Craig stated it before and found that not to be true.

#### **CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. **Consideration of ordinance to amend the Land Use Management Code as it relates to secondary water requirements and adopt a formula for figuring the average irrigated acre:** Craig wanted to discuss if the city is going to allow for natural open space. Mayor stated that the open space is not part of that ordinance and should be a separate item. Mayor and Kevin to set up a meeting with the water board ASAP. Kevin made the motion to table this item until the next agenda. Seconded by Craig. All voted in favor, motion carried.
- b. **Consideration of resolution amending the personnel policy and procedure manual:** Craig made the motion to approve the resolution to approve the amended employee policy and procedure manual. Karen seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF APPROVAL TO PAY BILLS:** Craig made a declaration that his business is on the list of bills and will refrain from voting. Discussed the issue of the graffiti at the skate park. We need to get the word out to the skaters that the city will close it if it gets painted again. Motion by Byron to pay the bills. Justin seconded the motion. All voted in favor, except for Craig who abstained. Motion carried.

**OTHER BUSINESS:** Mayor stated that he talked with Robert Campbell about the Tooele Army Depot lawsuit. No action will happen for the next couple of weeks. At the financial status disclosure by Tom Randle we need to open the budget and reduce the expected interest earnings.

Byron announced that the Old Lincoln Highway Association has created a Government Category to be able to join the association for \$30.00. Byron passed out the fire station proposal from Layton Construction.

Karen asked Recorder Palmer to make a work order to have the flags displayed at the cemetery for Veterans Day. Karen stated that she decided not to purchase more Christmas Decorations for the streets. Karen stated that she would like to purchase an Olympic display kit for \$3000. It was determined to purchase a banner for \$300 and call it good.

Karen asked that Employee issue to be placed on the next agenda

Kevin discussed tearing down of the old pavilions and wondered if we could declare the pavilions surplus property that will not be used by the city. It was determined to place this on the next agenda.

Mayor announced that the electric sign for the city hall would be installed on December 27, 2001.

**ADJOURN:** Craig made the motion to adjourn this meeting of the City Council at 10:30 p.m.. Karen seconded the motion. All voted in favor, motion carried.

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Wendy Palmer, City Recorder

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Merle E. Cole, Mayor